IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 4456 of 2005

Between:

N. Ramarao, S/o. Hanumaiah,
R/o. 24/67/4, electricity Office Road, Gandipet, Chilakaluripet, Guntur District.

.... PETITIONER

AND

1 Commissioner and Director of Municipal Administration, A.P.,

at Hyderabad.
2 District Collector, Prakasam District at Ongole.
3 District Panchayat Officer, Prakasam District.
4 Vetapalem Grampanchayat, Vetapalem (V), Prakasam District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records connected to order, Dt. 4.11.2004 in M.A.No.3472 of 2004 in O.A.Sr.No.14215 of 1999 from the file of Hon'ble APAT, Hyderabad, examine the same, set it aside and allow the said application and thereby condone the delay in filing O.A. and consequently remit the matter to APAT for registration and adjudication of Original application filed by me and pass such other order or orders.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR SERVICES II

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed challenging the order, dated 04.11.2004, passed by the Tribunal in M.A.No.3472 of 2004 in O.A.(SR)No.14215 of 1999.

2. The petitioner who is the applicant before the Tribunal filed an application in M.A.No.3472 of 1999 to condone the delay of two years, five months and 30 days in filing the O.A. The said application was dismissed with the following direction:

> "Apart from the fact, there is no representation on behalf of the Counsel for the applicant also there are no valid reasons to condone the delay, excepting the fact that he had been making number of representations, even after retirement on 31.10.1996 and his last representation is being dt.14.12.1998. In view of this, the delay is not condoned. M.A. is dismissed. OASR is rejected."

3. Learned counsel for the petitioner submits that the order of the Tribunal is not sustainable in law inasmuch as the petitioner has been pursuing the remedies from time to time.

4. We are afraid we cannot accept the contention raised by the learned counsel.

5. The Tribunal once exercised its discretion, cannot be interfered unless the discretion so exercised by the Tribunal is unfair or unreasonable. Thus, we do not find any ground to interfere with the order of the Tribunal.

6. Accordingly, the Writ Petition is dismissed. No costs.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 18.03.2005

ES

To

1 The Commissioner and Director of Municipal Administration, A.P., Hyderabad.
2 The District Collector, Prakasam District at Ongole.
3 The District Panchayat Officer, Prakasam District.
4 The Vetapalem Grampanchayat, Vetapalem (V), Prakasam District.

5 2 CCs to G.P For Services-I, High Court Bldgs,Hyd. (OUT)

6 2 CD copies.

7 The Registrar, A.P. Administrative Tribunal, Hyderabad.